



**City of Trinity, North Carolina
Planning & Zoning Board Minutes
June 26, 2017 - 6:00 p.m.**

Members Present: Chair: Richard McNabb; **Vice-Chair:** Keith Aikens; **Board members:** Jennifer Dennis, Hunter Hayworth. Board member Rush was present but arrived at 6:10 pm.

Members Absent: Board Liaison: Gene Byerly absent.

Others Present: City Manager, Debbie Hinson; Planning and Zoning Director, Marc Allred; Assistant City Clerk, Annette deRuyter; Attorney Bob Wilhoit; Mayor Jesse Hill; Stormwater / Public Works Director, Rich Baker; and other interested parties.

Call to Order

Chair McNabb called the meeting to order at 6:00 pm.

a) Pledge of Allegiance

Chair McNabb led the Pledge of Allegiance.

b) Invocation

Chair McNabb gave the Invocation.

c) Welcome Guests and Visitors

Chair McNabb opened the meeting at 6:01 pm and welcomed all visitors.

I. Approve and/or Amend Agenda

Chair McNabb called for a motion to approve or amend the agenda. ***Board member Aikens motioned to approve the agenda as presented. Board member Hayworth seconded the motion. The motion was approved unanimously with a vote of 4 ayes and 0 nays. Board member Rush was not present at this time.***

II. Approval of Minutes from April 24, 2017

Chair McNabb called for a motion to amend or approve the April 24, 2017 minutes. ***Board member Aikens motioned to approve the minutes as written. The motion was seconded by Board member Dennis and approved unanimously with a vote of 4 ayes and 0 nays. Board member Rush was not present at this time.***

III. Public Hearing

Item 2. City Ownership of New Subdivision Streets

Chair McNabb opened the Public Hearing at 6:09 pm

Stormwater/Public Works Director Baker reviewed the text amendment as follows:

- This proposed text amendment is to address some gray areas regarding when the City assumes street ownership in a new subdivision. The state is trying to get away from orphan streets. Trinity had a couple of these with Warren and Grove. What this proposed text amendment will do is all the City of Trinity to take over new streets when the Final Plat is signed. It closes some loop holes and gives us Powell Bill money to do repairs in the future.

Board Chair McNabb, when I build a subdivision and the Final Plat is signed, will the City have control of the street?

Public Works Director Baker replied that would be correct. We will not take over the streets until they pass NCDOT standards. Without the plat being signed, they cannot do construction on homes.

Speaking for the Request:

None

Speaking Against the Request:

None

Item 3. Use political signs in the Right-Of-Way (ROW)

Planning Director Allred reviewed the current North Carolina Ordinance. The problem is if you're going to allow political signs in the right-of-way 30 days before election and 10 days after and BBQ Joes wants to put up a similar sign in the right-of-way, then I'm telling him no because of content.

The text that I'm changing will add the North Carolina State Ordinance and removes the word political. Any person may place a sign in the ROW 30 days before the election and 10 days after the election.

You still have to meet the requirements identified in House Bill 668, section 1. If you meet the requirements' you can put signs up in the ROW. (attachment 1)

- Chair McNabb asked if BBQ Joes could put up a sign in the ROW?

Planning Director Allred replied if it meets the time frame.

- Board member Dennis expressed concern about the affects this change might have on realtor signs.

Mr. Allred replied this only affects the ROW.

- Board member Hayworth discussed how the length of the Right-of-Way was determined.

Attorney Wilhoit stated it is normally its 30 feet from each center line.

Planning Director Allred replied I tell people to look for the utilities, street light pole, fire hydrant, I don't expect people to do property line research every time they put a sign out.

- City Manager Hinson asked does this include primaries as well?

Planning Director answered Manger Hinson in an affirmative.

- Board member Dennis asked if this included yard sale signs?

Planning Director Allred replied to Board member Dennis that yard sale signs were not allowed, and I pick up those signs on Monday.

Speaking for the Request:

None

Speaking Against the Request:

None

Item 4. Minimum Heated Square Footage for Single-Family Residential Homes -

Planning Director Allred went over the minimum square footage incident. We've had multiple complaints about this house. I talked to School of Government regarding if the City can have a minimum square footage in our zoning ordinance.

They confirmed that the City could place a minimum square footage on buildings. Other towns have been reviewed and I'm presenting to you one option.

New single-family homes cannot be more than 10% smaller than the smallest home within 250 ft. of the property line. With new subdivisions, this rule would not take effect until 15% of the new subdivision is filled out.

Board member Dennis discussed some subdivisions located in the city where a vacant lot may not have a house smaller than 3,000 sq. ft. around it even though the covenants would allow for a 2,000-sq. ft. home on that lot. This rule would not allow a home smaller than 2,700 sq. ft. on that lot.

Planning Director Allred replied that is correct. We could amend the proposed text amendment to say any active covenant would supersede this text.

Attorney Wilhoit intervened, "No, the ordinance will always supersede restrictive covenants. Only when the restrictive covenants are stricter than the zoning ordinance, do they come into play and only the subdivision HOA or residents can enforce those stricter covenants, not the City. My only concern about the text amendment is the distance factor. And more research needs to be done to see if the distance restriction is legal or is it too arbitrary.

Planning Director Allred replied the distance issue works because there are many different varieties of home that are not separated by zoning in the city. Uwharrie Road has many small homes, Steeplegate has many larger homes, they're both in the same zoning district.

It was the Planning Director's feelings basing it off distance considers what the market is building in those areas. We are also exempting large lots over 2.5 acres, zoned Rural Agriculture.

Board member Aikens discussed what he would like to see if an area has not been built in the last 4 years, then that applicant would need to get approval from Council before building the home.

Planning Director Allred replied, the issue there is not being arbitrary per resident. Having it in an ordinance and treating everyone equally is legally the best option.

Attorney Wilhoit informed the members that he and the Planning Director are going to work on this in the future and the best option is to wait until we have more information.

Speaking for the Request:

None

Speaking Against the Request:

None

Item 5. Change in Non-Conforming Ordinance

Planning Director Allred discussed Non-Conforming lots.

This text amendment takes out the adjoining lots rule and 20,000 minimum square footage rule. If your lot meets the zoning width, setbacks, and buffer, then you can build there as the original subdivision intended before the City was created.

Board member Aikens asked if the city would require the applicant to have a new survey?

Planning Director Allred responded a new survey would not be required. The city will accept the original platted survey.

Board member Aikens discussed the original platted surveys and the liability issues that could be associated with them. It was his feeling that you don't know if there is an easement or other stipulations that may have been added since the original platted survey. He felt the city needed to require something to protect people's investments.

Chair McNabb discussed the liability issues brought up in earlier conversations. The smart move is to get the parcel surveyed, but it's the responsibility of the buyer.

With no one speaking for or against, the Public Hearings 2 through 5 were closed at 6:51 PM.

Board Discussion and Motions.

Item # 2.

Board member Dennis motioned to approve the ownership of streets as presented. The motion was seconded by Board member Hayworth and approved unanimously with a vote of 5 ayes and 0 nays.

Item # 3.

Prior to a motion there was discussion between Board member Hayworth and Planning Director Allred concerning placement of a political sign in the ROW in front of your home and if it was legal for the home owner to move the sign.

Planning Director Allred answered it is legal for a political sign to be placed in front of your home, and legally, you cannot move it.

Board member Hayworth motioned to approve text amendment to the zoning ordinance as presented with the addition that signs not at an intersection need approval from the property owner it is closest to. This text amendment is compliant with the Land Development Plan and will make the sign ordinance compliant with new federal sign regulations. The motion was seconded by Board member Dennis and approved unanimously with a vote of 5 ayes and 0 nays.

Item # 4

Board member Hayworth motioned to Table minimum heated square footage text amendment until July 24, 2017. The motion was seconded by Board member Rush and approved unanimously with a vote of 5 ayes and 0 nays.

Item # 5

Board member Hayworth motioned to approve text amendment to change the Non-Conforming Ordinance as presented. This is compliant with the Land Development Plan and will protect property values of residential vacant properties that were created before the City of Trinity existed or if the City of Trinity does a rezoning of the area. The motion was seconded by Board member Rush and approved unanimously with a vote of 5 ayes and 0 nays.

IV. New Business

None

V. Business from Staff

Code Enforcement Report and Permits Report

Planning Director Allred reviewed the Code Enforcement and Permits Report.

VI. Comments from Staff

Manager Hinson welcomed Bob Wilhoit as the City's Attorney.

VII. Comments from Board

None

VIII. Adjournment

With no other business to discuss, *Board Member McNabb motioned to adjourn the June 26, 2017 Planning and Zoning Meeting at 7:06 pm. The motion was seconded by Board member Rush. The motion and second were approved unanimously with a vote of 5 ayes and 0 nays.*